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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:21-MJ-70422 MAG
)	
Plaintiff,)	STIPULATION TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT, WAIVER UNDER FRCP
v.)	5.1, AND [PROPOSED] ORDER
)	
BRENDAN JACY TATUM and)	
JOSEPH HUFFAKER,)	
)	
Defendants.)	

It is hereby stipulated by and between counsel for the United States and counsel for the defendants, Brendan Jacy TATUM and Joseph HUFFAKER, that time be excluded under the Speedy Trial Act from March 12, 2021 through May 11, 2021, and that the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for an indictment under the Speedy Trial Act be extended through May 11, 2021.

The government and counsel for the defendants have agreed that time be excluded under the Speedy Trial Act so that defense counsel can prepare, including by reviewing discovery, which will be produced shortly pursuant to a proposed protective order, and for continuity of counsel. For these reasons, the parties stipulate and agree that excluding time until and through May 11, 2021 will allow for the effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

The parties further stipulate and agree that the ends of justice served by excluding the time from March 12, 2021 through May 11, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

The parties also stipulate and agree that extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act through May 11, 2021, taking into account the public interest in the prompt disposition of criminal cases, will allow for the effective preparation of counsel and continuity of counsel. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

The undersigned Assistant United States Attorney certifies that he has obtained approval from counsel for the defendant to file this stipulation and proposed order.

IT IS SO STIPULATED.

DATED: March 15, 2021

/s/
CYNTHIA FREY
Assistant United States Attorneys

DATED: March 15, 2021

/s/
STUART HANLON
Counsel for Defendant Brendan Jacy Tatum

DATED: March 15, 2021

/s/
JONATHAN RAPEL
Counsel for Defendant Joseph Huffaker

ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court and for good cause shown, the Court finds that failing to exclude the time from March 12, 2021 and May 11, 2021 would unreasonably deny defense counsel and the defendants the reasonable time necessary for effective preparation, and would unreasonably deny the defendants continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from March 12, 2021 and May 11, 2021 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendants in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time

1 from March 12, 2021 and May 11, 2021 shall be excluded from computation under the Speedy Trial
2 Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

3 Furthermore, with the consent of the defendant, and taking into account the public interest in the
4 prompt disposition of criminal cases, the Court sets the preliminary hearing to May 11, 2021, and—
5 based on the parties' showing of good cause—finds good cause for extending the time limits for a
6 preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time
7 period for an indictment under the Speedy Trial Act (based on the exclusion set forth above). Fed. R.
8 Crim. P. 5.1; 18 U.S.C. § 3161(b).

9 **IT IS SO ORDERED.**

10
11 DATED: March 15, 2021 —



HON. SALLIE KIM
United States Magistrate Judge